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UNDER 37 CFR 1.8(a)

1624

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December 11, 2003
HUESCHEN AND SAGE

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Dated: December 11, 2003

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Applicant : Daniel LESIEUR, Frederique KLUPSCH, Gerald GUILLAUMET,
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BENNEJEAN, Pierre RENARD, Phillipe DELAGRANGE

Serial No. : 09/700,098

Filed : November 10, 2000

Title : New Substituted Cyclic Compounds

Art Unit : 1624

Examiner : Kahsay HABTE, Esq.

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Honorable Commissioner of Patents and Trademarks
Alexandria, VA 22313

RESPONSE AND ELECTION UNDER 37 CFR §§ 1.111 AND 1.142

Sir:

Responsive to the Office Action, a Restriction Requirement, dated November 20, 2003, it is the position of the Office that the application pertains to inventions which are not so linked as to form a general inventive concept. The applicants *traverse* this conclusion on the grounds that a chemist would not find the instant invention to involve structurally distinct inventions. Absent contradictory evidence that those skilled in the art would find the instant invention to consist of multiple inventions, it is submitted that the Office Requirement is not substantiated.

None-the-less, in an effort to advance the prosecution of the instant application, the applicants elect with traverse to prosecute the invention of Claims 1, 3, 5-13, 17-19, 23-25, 30-33, 34, 39, 46, 53-70, 71, 72, 78, and 82-83, directed to Group V of the Restriction Requirement; it being understood that Claims 1, 3, 5-13, 17-19, 23-25, 30-33, 71, 78, and 82-83 will be examined to the extent that they fall within the elected invention. Applicants submit that the compounds of Claim 81 in which A_A is a ring system of formula (b) fall within Group V, therefore, the applicants elect to prosecute these compounds as well. The dependency of Claim 81 will be amended to Claim 1 rather than Claim 74. Applicants designate the Species of Example 1, N-{2-[7-(methylthio)-1-naphthyl]ethyl}acetamide, as representative of Group V.

The Examiner may withdraw all non-elected claims of Groups I-IV and Group VI, without prejudice to their rejoinder during later examination and/or prosecution in a Divisional Application.

Swift and favorable consideration of the instant application is respectfully solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

By: 
G. PATRICK SAGE

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